

**THIRTY-SIXTH DAY**

(Wednesday, March 18, 1959)

The Senate met at 10:30 o'clock a.m., pursuant to adjournment, and was called to order by the President.

The roll was called and the following Senators were present:

Aikin	Martin
Baker	Moffett
Bradshaw	Moore
Colson	Owen
Crump	Parkhouse
Dies	Phillips
Fly	Ratliff
Fuller	Reagan
Gonzalez	Roberts
Hardeman	Rogers
Hazlewood	Secrest
Herring	Smith
Hudson	Weinert
Kazen	Willis
Krueger	Wood
Lane	

A quorum was announced present.

Reverend W. H. Townsend, Chaplain, offered the invocation as follows:

"O God, our Father, a word fitly spoken is like apples of gold in pictures of silver, but grievous words stir up anger. We pray that the words of our mouths, and the meditations of our hearts, be acceptable in Thy sight, O Lord, our strength, and our redeemer. Amen."

On motion of Senator Aikin, and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

**Senate Resolution 203**

Senator Hardeman offered the following resolution:

Whereas, We are honored today to have as visitors in the Senate a group of charming ladies from San Angelo, who are active members in the Texas League of Women Voters; and

Whereas, We desire to welcome these distinguished visitors to the Capitol Building and Capital City; now, therefore, be it

Resolved, That their presence be recognized by the Senate of Texas and that they be extended the official welcome of the Senate and that a copy of this resolution be mailed to

the San Angelo chapter of the League of Women Voters.

The resolution was read and was adopted.

**Senate Resolution 204**

Senator Moore offered the following resolution:

Whereas, We are honored today to have in the gallery of the Senate the Senior Class of Franklin High School accompanied by their teacher, Professor Reynolds; and

Whereas, These students are on an educational tour of the Capitol Building and the Capital City; and

Whereas, This fine group of young American citizens is here to observe and to learn at firsthand the workings of their State government; now, therefore, be it

Resolved, That we officially recognize and welcome these guests and commend them for their interest; and that a copy of this Resolution, properly endorsed, bearing the official seal of the Senate, be mailed to them in recognition of their visit.

The resolution was read and was adopted.

Senator Moore by unanimous consent presented the students and Professor Reynolds to the Members of the Senate.

**Senate Resolution 205**

Senator Gonzalez offered the following resolution:

Whereas, We are honored to have as a visitor in the Senate Rev. Woodrow Starkey of San Antonio; and

Whereas, We desire to welcome this distinguished visitor to the Capitol Building and Capital City; now, therefore, be it

Resolved, That his presence be recognized by the Senate of Texas and that he be extended the official welcome of the Senate.

The resolution was read and was adopted.

Senator Gonzalez by unanimous consent presented Reverend Starkey to the Members of the Senate.

**Senate Resolution 206**

Senator Moffett offered the following resolution:

Whereas, We are honored today to have as visitors in the Senate Mrs. Jack Story, Mrs. Phil Menke, Mrs. Dell Newell, Miss Maude Stonecipher, and Mrs. A. D. McDuffie, all prominent citizens of Wichita Falls, Texas; and

Whereas, We desire to welcome these distinguished visitors to the Capitol Building and Capital City; now, therefore, be it

Resolved, That their presence be recognized by the Senate of Texas and that they be extended an official welcome.

The resolution was read and was adopted.

#### Senate Resolution 207

Senator Herring offered the following resolution:

Whereas, We are honored today to have in the gallery of the Senate the Junior and Senior Classes of Del Valle High School in Travis County, Texas, accompanied by their teacher, Mr. Raymond Rapp; and

Whereas, These students are on an educational tour of the Capitol Building and the Capital City; and

Whereas, This fine group of young American citizens is here to observe and to learn at firsthand the workings of their State government; now, therefore, be it

Resolved, That we officially recognize and welcome these guests and commend them for their interest; and that a copy of this Resolution, properly endorsed, bearing the official seal of the Senate, be mailed to the class in recognition of their visit.

The resolution was read and was adopted.

Senator Herring by unanimous consent presented the students and their teacher to the Members of the Senate.

#### Senate Resolution 208

Senator Herring offered the following resolution:

Whereas, We are honored today to have in the gallery of the Senate Civics and Speech Classes of Thrall High School in Thrall, Williamson County, Texas, accompanied by their teachers, Mr. Dewey Brown and Mrs. Dudley Barker; and

Whereas, These students are on an

educational tour of the Capitol Building and the Capital City; and

Whereas, This fine group of young American citizens is here to observe and to learn at firsthand the workings of their State government; now, therefore, be it

Resolved, That we officially recognize and welcome these guests and commend them for their interest; and that a copy of this Resolution, properly endorsed, bearing the official seal of the Senate, be mailed to their classes in recognition of their visit.

The resolution was read and was adopted.

Senator Herring by unanimous consent presented the students and teachers to the Members of the Senate.

#### Senate Resolution 209

Senator Weinert offered the following resolution:

Whereas, We are honored today to have in the gallery of the Senate fifty pupils of the 10, 11 and 12 grades Civics Class of Marion Rural High School, Marion, Guadalupe County, accompanied by their teachers Mrs. Donald Cole and Mr. Harold F. Klein; and

Whereas, These students are on an educational tour of the Capitol Building and the Capital City; and

Whereas, This fine group of young American citizens is here to observe and to learn at firsthand the workings of their State government; now, therefore, be it

Resolved, That we officially recognize and welcome these guests and commend them for their interest; and that a copy of this Resolution, properly endorsed, bearing the official seal of the Senate, be mailed to them in recognition of their visit.

The resolution was read and was adopted.

Senator Weinert by unanimous consent presented the students and their teachers to the Members of the Senate.

#### Senate Resolution 210

Senator Kazen offered the following resolution:

Whereas, We are honored today to have in the gallery of the Senate the

Eighth Grade Class from Benavides Junior High School accompanied by their teacher; and

Whereas, These students are on an educational tour of the Capitol Building and the Capital City; and

Whereas, This fine group of young American citizens is here to observe and to learn at firsthand the workings of their State government; now, therefore, be it

Resolved, That we officially recognize and welcome these guests and commend them for their interest; and that a copy of this Resolution, properly endorsed, bearing the official seal of the Senate, be mailed to them in recognition of their visit.

The resolution was read and was adopted.

Senator Kazen by unanimous consent presented the students and teacher to the Members of the Senate.

#### Senate Resolution 211

Senator Ratliff offered the following resolution:

Whereas, We are honored today to have as visitors in the Senate the following, who are members of the League of Women Voters: Mrs. Jack Sparks, Mrs. Alice Sellers, Mrs. Harry Brennan, Mrs. Frank Bridwell, Mrs. R. Brandenberger, Mrs. Max Randolph, and Mrs. A. J. Dane, all of Abilene, and Mrs. H. C. Lowry and Mrs. Verba Logan of Snyder; and

Whereas, We desire to welcome these distinguished visitors to the Capitol Building and Capital City; now, therefore, be it

Resolved, That their presence be recognized by the Senate of Texas and that they be extended the official welcome of the Senate; and that a copy of this resolution, properly endorsed, bearing the official seal of the Senate, be mailed to them in recognition of their visit.

The resolution was read and was adopted.

Senator Ratliff by unanimous consent presented the distinguished visitors to the Members of the Senate.

#### Reports of Standing Committees

Senator Weinert submitted the following reports:

Austin, Texas,  
March 17, 1959.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Water and Conservation, to whom was referred S. B. No. 358, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

WEINERT, Chairman.

Austin, Texas,  
March 17, 1959.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Water and Conservation, to whom was referred S. B. No. 316, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

WEINERT, Chairman.

Austin, Texas,  
March 17, 1959.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Water and Conservation, to whom was referred S. B. No. 299, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

WEINERT, Chairman.

Austin, Texas,  
March 17, 1959.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Water and Conservation, to whom was referred S. B. No. 298, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

WEINERT, Chairman.

Austin, Texas,  
March 17, 1959.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Water and Conservation, to whom was referred S. B. No. 297, have had the same under consideration, and we are instructed to report it back to the

Senate with the recommendation that it do pass and be printed.

WEINERT, Chairman.

Austin, Texas,  
March 17, 1959.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Water and Conservation, to whom was referred S. B. No. 296, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

WEINERT, Chairman.

Austin, Texas,  
March 17, 1959.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Water and Conservation, to whom was referred S. B. No. 291, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

WEINERT, Chairman.

Austin, Texas,  
March 17, 1959.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Water and Conservation, to whom was referred S. B. No. 130, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass with committee amendments and be printed.

WEINERT, Chairman.

Austin, Texas,  
March 17, 1959.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Water and Conservation, to whom was referred S. B. No. 50, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

WEINERT, Chairman.

Austin, Texas,  
March 17, 1959.

Hon. Ben. Ramsey, President of the Senate.

Sir: We, your Committee on Water and Conservation to whom was referred H. B. No. 341, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

WEINERT, Chairman.

Austin, Texas,  
March 17, 1959.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Water and Conservation, to whom was referred H. B. No. 340, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

WEINERT, Chairman.

Austin, Texas,  
March 17, 1959.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Water and Conservation, to whom was referred H. B. No. 180, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

WEINERT, Chairman.

Senator Kazen submitted the following reports:

Austin, Texas,  
March 18, 1958.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Transportation, to whom was referred S. B. No. 259, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

KAZEN, Chairman.

Austin, Texas,  
March 18, 1959.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Transportation, to whom was referred S. B. No. 212, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do not pass and be printed, but that the

Committee Substitute adopted in lieu thereof do pass and be printed.

KAZEN, Chairman.

C. S. S. B. No. 212 was read the first time.

Senator Krueger submitted the following report:

Austin, Texas,  
March 18, 1959.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Game and Fish, to whom was referred H. B. No. 221, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

KRUEGER, Chairman.

Senator Phillips submitted the following report:

Austin, Texas,  
March 18, 1959.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Banking, to whom was referred S. B. No. 252, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

PHILLIPS, Chairman.

Senator Roberts submitted the following report:

Austin, Texas,  
March 18, 1959.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Legislative, Congressional and Judicial Districts, to whom was referred H. B. No. 430, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

ROBERTS, Chairman.

Senator Moffett submitted the following report:

Austin, Texas,  
March 17, 1959.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Agri-

culture and Livestock, to whom was referred H. B. No. 31, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do not pass and be not printed, but that the Committee Substitute adopted in lieu thereof do pass and be printed.

MOFFETT, Chairman.

C. S. H. B. No. 31 was read the first time.

#### Senate Bill 395 on First Reading

Senator Aikin moved that Senate Rule 114 and Section 5 of Article III of the State Constitution be suspended to permit his introducing at this time, a bill, the provisions of which he explained.

The motion prevailed by the following vote:

#### Yeas—31

Aikin	Martin
Baker	Moffett
Bradshaw	Moore
Colson	Owen
Crump	Parkhouse
Dies	Phillips
Fly	Ratliff
Fuller	Reagan
Gonzalez	Roberts
Hardeman	Rogers
Hazlewood	Secrest
Herring	Smith
Hudson	Weinert
Kazen	Willis
Krueger	Wood
Lane	

The following bill was then introduced, read first time and referred to the committee indicated:

By Senator Aikin:

S. B. No. 395, A bill to be entitled "An Act to amend Chapter 78, Acts of the Regular Session of the 53rd Legislature (Vernon's Article 8280-147), which created Northeast Texas Municipal Water District, conferring on the District certain additional powers; enacting other provisions related to the subject, and declaring an emergency."

To the Committee on Water and Conservation.

#### Senate Bill 396 on First Reading

Senator Krueger moved that Sen-

ate Rule 114 and Section 5 of Article III of the State Constitution be suspended to permit his introducing at this time, a bill, the provisions of which he explained.

The motion prevailed by the following vote:

Yeas—31

Aikin	Martin
Baker	Moffett
Bradshaw	Moore
Colson	Owen
Crump	Parkhouse
Dies	Phillips
Fly	Ratliff
Fuller	Reagan
Gonzalez	Roberts
Hardeman	Rogers
Hazlewood	Secrest
Herring	Smith
Hudson	Weinert
Kazen	Willis
Krueger	Wood
Lane	

The following bill was then introduced, read first time and referred to the committee indicated:

By Senator Krueger:

S. B. No. 396, A bill to be entitled "An Act exempting from registration any farm trailer or farm semi-trailer when the gross weight is under fourteen thousand (14,000) pounds, and prescribing lighting requirement therefor; amending Section 2 of Chapter 88, General Laws of the 41st Legislature, Second Called Session, 1929, as last amended; and amending Section 114, Article XIV, Chapter 421, Acts of the 50th Legislature, 1947; and declaring an emergency."

To the Committee on Transportation.

Senate Bill 397 on First Reading

Senator Phillips moved that Senate Rule 114 and Section 5 of Article III of the State Constitution be suspended to permit his introducing at this time, a bill, the provisions of which he explained.

The motion prevailed by the following vote:

Yeas—30

Aikin	Colson
Baker	Crump
Bradshaw	Dies

Fly	Owen
Fuller	Parkhouse
Gonzalez	Phillips
Hardeman	Ratliff
Hazlewood	Reagan
Herring	Roberts
Hudson	Rogers
Kazen	Secrest
Krueger	Smith
Lane	Weinert
Moffett	Willis
Moore	Wood

Nays—1

Martin

The following bill was then introduced, read first time and referred to the committee indicated:

By Senator Phillips:

S. B. No. 397, A bill to be entitled "An Act providing that the entire cost of altering, adjusting or relocating pipelines and all utilities due to any change in size, construction or location of a road, where such cost arises from the requirements of the State Highway Department of Texas, shall be borne by the Texas State Highway Department as part of the cost of construction of such alteration to such road; repealing all laws in conflict herewith, and declaring an emergency."

To the Committee on State Affairs.

Senate Bill 398 on First Reading

Senator Parkhouse moved that Senate Rule 114 and Section 5 of Article III of the State Constitution be suspended to permit his introducing at this time, a bill, the provisions of which he explained.

The motion prevailed by the following vote:

Yeas—26

Aikin	Krueger
Bradshaw	Lane
Colson	Martin
Crump	Moffett
Dies	Moore
Fly	Owen
Fuller	Parkhouse
Gonzalez	Ratliff
Hardeman	Reagan
Hazlewood	Roberts
Herring	Secrest
Hudson	Smith
Kazen	Wood

## Nays—5

Baker	Weinert
Phillips	Willis
Rogers	

The following bill was then introduced, read first time and referred to the committee indicated:

By Senator Parkhouse:

S. B. No. 398, A bill to be entitled "An Act amending Article 642a, Section 1 (2) (b) of the Penal Code of Texas, relating to the definition and description of a slot machine; and providing that same pay off by chance, any money, or property or other valuable thing; and defining what constitutes an element of chance, any money or property, or other valuable thing, with certain exception; and declaring an emergency."

To the Committee on Jurisprudence.

Message from the House

Hall of the House of Representatives,  
Austin, Texas,  
March 18, 1959.

Hon. Ben Ramsey, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following:

H. B. No. 245, Amending Subsection 8 (a) of Chapter 88, Acts, Second Called Session, Forty-first Legislature as amended by Acts, 1941, Regular Session, Forty-seventh Legislature, as amended by Acts, 1955, Regular Session, Fifty-fourth Legislature, Chapter 102, being Article 6675a-8a, Revised Civil Statutes of the State of Texas, as amended, prescribing the annual license fees of motor buses and declaring an emergency."

H. C. R. No. 59, Congratulating Rabbi Silverman, the officers and members of Congregation Shearith Israel on the advent of their Seventy-fifth Anniversary.

H. C. R. No. 32, Granting Sinclair Pipe Line Company permission to sue the State of Texas.

Respectfully submitted,

DOROTHY HALLMAN,  
Chief Clerk, House of Representatives

Senate Bill 399 on First Reading

Senator Krueger moved that Sen-

ate Rule 114 and Section 5 of Article III of the State Constitution be suspended to permit his introducing at this time, a bill, the provisions of which he explained.

The motion prevailed by the following vote:

## Yeas—30

Aikin	Lane
Baker	Martin
Bradshaw	Moffett
Colson	Moore
Crump	Owen
Dies	Parkhouse
Fly	Phillips
Fuller	Ratliff
Gonzalez	Reagan
Hardeman	Roberts
Hazlewood	Rogers
Herring	Secrest
Hudson	Smith
Kazen	Weinert
Krueger	Wood

## Nays—1

Willis

The following bill was then introduced, read first time and referred to the committee indicated:

By Senator Krueger:

S. B. No. 399, A bill to be entitled "An Act raising the speed limit on trailers and semi-trailers traveling on the highways from Forty-five (45) miles per hour at all times to Sixty (60) miles per hour during the daytime and Fifty-five (55) miles per hour at nighttime; amending Subsection 1 of Section 8, Chapter 42, Acts of the 41st Legislature, Second Called Session, 1929, as last amended; and declaring an emergency."

To the Committee on Transportation.

Senate Bill 400 on First Reading

Senator Gonzalez moved that Senate Rule 114 and Section 5 of Article III of the State Constitution be suspended to permit his introducing at this time, a bill, the provisions of which he explained.

The motion prevailed by the following vote:

## Yeas—31

Aikin	Bradshaw
Baker	Colson

Crump	Moore
Dies	Owen
Fly	Parkhouse
Fuller	Phillips
Gonzalez	Ratliff
Hardeman	Reagan
Hazlewood	Roberts
Herring	Rogers
Hudson	Secrest
Kazen	Smith
Krueger	Weinert
Lane	Willis
Martin	Wood
Moffett	

The following bill was then introduced, read first time and referred to the committee indicated:

By Senator Gonzalez:

S. B. No. 400, A bill to be entitled "An Act amending Chapter 276, Acts of the 45th Legislature, 1937, as subsequently amended (Codified under Article 8280-119, Vernon's Annotated Civil Statutes of the State of Texas by adding a new section providing for an auditor's report; and declaring an emergency."

To the Committee on Water and Conservation.

#### Senate Resolution 212

Senator Hazlewood offered the following resolution:

Whereas, We are honored today to have as visitors in the Senate Mr. D. M. Womble of Morse, Texas, State Director of District I of the Texas Farm Bureau, and the following members of the Bureau: Sam McMurry, Clarence Beckman, Clarence Zymbach, Rayburn Hall, George L. Richardson, Al Craig, Buddy Hedges, Grady Schoeffler, O. G. Henry, Fred Huston, Glenn W. Dowlen, Geo. Robbins, and J. R. Stump; and

Whereas, We desire to welcome these distinguished visitors to the Capitol Building and Capital City; now, therefore, be it

Resolved, That their presence be recognized by the Senate of Texas and that they be extended the official welcome of the Senate.

The resolution was read and was adopted.

Senator Hazlewood by unanimous consent presented the distinguished guests to the Members of the Senate.

#### Senate Resolution 213

Senator Reagan offered the following resolution:

Whereas, We are honored today to have as visitors in the Senate a group of charming ladies from Corpus Christi who are active members of the Texas League of Women Voters; and Whereas, We desire to welcome these distinguished visitors, Mrs. Jim Mitchell, Mrs. Henry Wilkie, Mrs. J. W. Gary, Mrs. Armstrong Price, Mrs. Austin C. Webb, Mrs. Robert W. Laws and Mrs. William Gill, to the Capitol Building and Capital City; now, therefore, be it

Resolved, That their presence be recognized by the Senate of Texas and that they be extended the official welcome of the Senate; and be it further

Resolved, That a copy of this Resolution be mailed to the Corpus Christi Chapter of the League of Women Voters.

The resolution was read and was adopted.

Senator Reagan by unanimous consent presented the distinguished guests to the Members of the Senate.

#### Senate Resolution 214

Senator Fly offered the following resolution:

Whereas, We are honored today to have as visitors in the Senate the Victoria County Home Demonstration Club and a group of ladies representing the League of Women Voters of Victoria; and

Whereas, We desire to welcome these distinguished visitors to the Capitol Building and Capital City; now, therefore, be it

Resolved, That their presence be recognized by the Senate of Texas and that they be extended the official welcome of the Senate.

The resolution was read and was adopted.

Senator Fly by unanimous consent presented the guests to the Members of the Senate.

#### Senate Resolution 215

Senator Moore offered the following resolution:

Whereas, We are honored today to have in the gallery of the Senate the Senior Class of the Caldwell High School, accompanied by their sponsor, E. E. Danby; and

Whereas, These students are on an educational tour of the Capitol Building and the Capital City; and

Whereas, This fine group of young American citizens is here to observe and to learn at firsthand the workings of their State government; now, therefore, be it

Resolved, That we officially recognize and welcome these guests and commend them for their interest; and that a copy of this resolution, properly endorsed, bearing the official seal of the Senate, be mailed to them in recognition of their visit.

The resolution was read and was adopted.

#### Senate Resolution 216

Senator Phillips offered the following resolution:

Whereas, We are honored today to have as visitors in the Senate a group of charming ladies from Galveston County, who are active members in the Texas League of Women Voters; and

Whereas, We desire to welcome these distinguished visitors to the Capitol Building and Capital City; now, therefore, be it

Resolved, That their presence be recognized by the Senate of Texas and that they be extended the official welcome of the Senate, and that a copy of this resolution be mailed to the Galveston chapter of the League of Women Voters.

The resolution was read and was adopted.

Senator Phillips by unanimous consent presented the guests to the Members of the Senate.

#### Senate Resolution 217

Senator Phillips offered the following resolution:

Whereas, We are honored today to have as visitors in the Senate a group of charming ladies from Brazoria County, who are active members of the Texas League of Women Voters; and

Whereas, We desire to welcome these distinguished visitors to the Capitol Building and Capital City; now, therefore, be it

Resolved, That their presence be recognized by the Senate of Texas and that they be extended the official welcome of the Senate, and that a copy of this resolution be mailed to the Brazoria County chapter of the Texas League of Women Voters.

The resolution was read and was adopted.

Senator Phillips by unanimous consent presented the guests to the Members of the Senate.

#### Senate Resolution 218

Senator Herring offered the following resolution:

Whereas, We are honored today to have in the gallery of the Senate the Government Class of Bastrop High School of Bastrop, Texas, accompanied by their sponsor, Mr. C. D. Campbell; and

Whereas, These students are on an educational tour of the Capitol Building and the Capital City; and

Whereas, This fine group of young American citizens is here to observe and to learn at firsthand the workings of their State government; now, therefore, be it

Resolved, That we officially recognize and welcome these guests and commend them for their interest; and that a copy of this resolution, properly endorsed, bearing the official seal of the Senate, be mailed to them in recognition of their visit.

The resolution was read and was adopted.

Senator Herring by unanimous consent presented the students and Mr. Campbell to the Members of the Senate.

#### Senate Resolution 219

Senator Owen offered the following resolution:

Whereas, We are honored today to have as visitors in the Senate Mrs. Donald Richardson, Mrs. Phillip Whealdon, Mrs. Charles Linehan, Mrs. William Philpott, of Midland; and Mrs. Charlie Taylor, Mrs. Charles E.

Jones, Jr., of Odessa, charming ladies and members of the League of Women Voters of Texas; and

Whereas, We desire to welcome these distinguished visitors to the Capitol Building and Capital City; now, therefore, be it

Resolved, That their presence be recognized by the Senate of Texas and that they be extended the official welcome of the Senate.

The resolution was read and was adopted.

Senator Owen by unanimous consent presented the guests to the Members of the Senate.

#### Presentation of Guests

Senator Secrest by unanimous consent presented Mrs. G. I. Anderson, president of Waco chapter, together with Mrs. T. C. Anderton, Miss Mercy Olenbush, Mrs. L. K. Richards, former State President and presently only Texan serving on National Board, Mrs. Irving Pettus, Mrs. Maurice Brown and Mrs. M. S. Branagel of Temple, all members of the League of Women Voters, to the Members of the Senate.

#### Senate Resolution 220

Senator Willis offered the following resolution:

Whereas, We are honored today to have as visitors in the Senate, a group of prominent ladies from Tarrant County, representing the League of Women Voters of Texas; and Connie Curtis, Wendy Katitinsky, and Jean Owens; and

Whereas, We desire to welcome to the Capitol Building and Capital City the charming guests; now, therefore, be it

Resolved, That their presence be recognized by the Senate of Texas and that they be extended the official welcome of the Senate, and that a copy of this resolution be mailed to the Tarrant County Chapter of the League of Women Voters of Texas.

The resolution was read and was adopted.

Senator Willis by unanimous consent presented the guests to the Members of the Senate.

#### Senate Resolution 221

Senator Herring offered the following resolution:

Whereas, The Austin Ballet Society is a non-profit corporation organized under the laws of the State of Texas to "promote, maintain, and support the art of the ballet," and

Whereas, The Austin Ballet Society endeavors to foster public interest in and appreciation for the ballet as a fine arts form through public performances, and encourages the development of musicians, dancers, choreographers, and other allied artists; and

Whereas, The Austin Ballet Society has a Board of Directors led by Mrs. Edgar H. Perry, III, as President, and Mrs. Fagan Dickson as President-Elect, who serve capably without compensation; and

Whereas, The Austin Ballet Society on February 13, 1959, presented another ballet performance enjoyed by thousands; and

Whereas, "Platero and I," a ballet based on the Nobel Prize for Literature winning book of the same name by Juan Ramon Jiminez, with the English translation of Eloise Roach published by the University of Texas Press, was created by Barbara Carson, the Artistic Director of the Austin Ballet Society; and

Whereas, The Austin Ballet Society has an active program of education as well as giving performances of the highest cultural standards for children and adults; now, therefore, be it

Resolved, That the Senate of the State of Texas commends the Board, Staff, and dancers of the Austin Ballet Society for their fine work.

The resolution was read and was adopted.

#### Senate Resolution 222

Senator Herring offered the following resolution:

Whereas, In the past various committees of the Senate of Texas have amassed great amounts of investigative and informational data, testimony, records and documentary evidence and it is contemplated that such will be accumulated in the future; and

Whereas, These materials will, in years to come, be of value to Mem-

bers of the Legislature and to the citizens of Texas; and

Whereas, At present there is no designated place for the storage and preservation of these materials and they are in danger of being lost or inadvertently discarded; now, therefore, be it

Resolved, By the Senate of the 56th Legislature of the State of Texas that the Secretary of the Senate be directed to assemble said material and transmit the same to the Texas State Librarian for deposit in the Archives Division of the Texas State Library for safekeeping and preservation; and be it further

Resolved, That such materials remain in the Archives Division of the Texas State Library and not be removed therefrom but that they be made available for public inspection and examination at all reasonable times.

The resolution was read and was adopted.

#### Message from the Governor

The following message received from the Governor today was read and was referred to the Committee on Nominations:

Austin, Texas,  
March 18, 1959.

To the Senate of the Fifty-sixth Legislature:

I ask the advice, consent and confirmation of the Senate with respect to the following appointments:

To be Associate Justice of the Court of Civil Appeals for the Tenth Supreme Judicial District, to fill the unexpired term of Judge Joseph W. Hale, resigned, effective April 15, 1959: Frank M. Wilson of Waco, McLennan County.

To be a member of the Texas Commission on Higher Education, to fill the unexpired term of John W. Newton, resigned, term to expire March 31, 1959: Rex G. Baker, Sr., of Houston, Harris County.

To be a member of the Texas Commission on Higher Education, for a six-year term to expire March 31, 1965: Rex G. Baker, Sr., of Houston, Harris County.

To be a member of the Texas Commission on Higher Education, to fill the unexpired term of Dr. H. F. Con-

nally, Jr., resigned, term to expire March 31, 1959: Robert F. Haynsworth of El Paso, El Paso County.

Respectfully submitted,  
PRICE DANIEL  
Governor of Texas

#### House Concurrent Resolution 59 on Second Reading

The President laid before the Senate on its second reading the following resolution:

H. C. R. No. 59, Congratulating Rabbi Silverman and Congregation of Shearith Israel on 75th Anniversary.

The resolution was read.

On motion of Senator Parkhouse and by unanimous consent the resolution was considered immediately and was adopted.

#### Senate Resolution 223

Senator Herring offered the following resolution:

Whereas, We are honored today to have in the gallery of the Senate the 6th and 7th Grade Classes of St. Paul Lutheran School in Austin, Travis County, Texas, accompanied by their teacher, Mr. Henry C. Niemeier; and

Whereas, These students are on an educational tour of the Capitol Building and the Capital City; and

Whereas, This fine group of young American citizens is here to observe and to learn at firsthand the workings of their State government; now, therefore, be it

Resolved, That we officially recognize and welcome these guests and commend them for their interest; and that a copy of this Resolution, properly endorsed, bearing the official seal of the Senate, be mailed to the Class in recognition of their visit.

The resolution was read and was adopted.

#### Senate Bills 296, 297, 298 and 299 Ordered Not Printed

On motion of Senator Gonzalez and by unanimous consent S. B. Nos. 296, 297, 298, and 299 were ordered not printed.

#### House Bill 96 on Second Reading

On motion of Senator Weinert and by unanimous consent, the regular order of business was suspended to

take up for consideration at this time on its second reading and passage to third reading:

H. B. No. 96, A bill to be entitled "An Act providing for service of process on non-residents; providing that this Act shall not repeal but shall be cumulative of existing statutes; providing for severability; and declaring an emergency."

The bill was read second time and passed to third reading.

#### House Bill 96 on Third Reading

Senator Weinert moved that the Constitutional Rule and Senate Rule 32 requiring bills to be read on three several days be suspended and that H. B. No. 96 be placed on its third reading and final passage.

The motion prevailed by the following vote:

#### Yeas—31

Aikin	Martin
Baker	Moffett
Bradshaw	Moore
Colson	Owen
Crump	Parkhouse
Dies	Phillips
Fly	Ratliff
Fuller	Reagan
Gonzalez	Roberts
Hardeman	Rogers
Hazlewood	Secrest
Herring	Smith
Hudson	Weinert
Kazen	Willis
Krueger	Wood
Lane	

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

#### House Bill 99 on Second Reading

On motion of Senator Aikin and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

H. B. No. 99, A bill to be entitled "An Act amending Article 139a of Senate Bill No. 172, Chapter 421, Acts of Fiftieth Legislature, 1947, as added by Chapter 479, Acts of the Fifty-second Legislature, 1951, to re-

quire certain safety equipment on certain vehicles operated upon the highways of this State; providing for repeal of all laws or parts of laws in conflict with this Act to the extent of such conflict, with certain exceptions; and declaring an emergency."

The bill was read second time and passed to third reading.

#### House Bill 99 on Third Reading

Senator Aikin moved that the Constitutional Rule and Senate Rule 32 requiring bills to be read on three several days be suspended and that H. B. No. 99 be placed on its third reading and final passage.

The motion prevailed by the following vote:

#### Yeas—29

Aikin	Martin
Baker	Moffett
Bradshaw	Moore
Colson	Owen
Crump	Parkhouse
Dies	Phillips
Fly	Ratliff
Fuller	Reagan
Gonzalez	Roberts
Hardeman	Rogers
Hazlewood	Secrest
Herring	Smith
Hudson	Weinert
Kazen	Willis
Krueger	Wood
Lane	

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

#### House Bill 74 on Second Reading

On motion of Senator Hazlewood and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

H. B. No. 74, An Act establishing the boundary lines of Sherman County and declaring the area therein to be Sherman County; authorizing the filing of instruments affecting the title to lands within said area in County Clerk's office and thereafter admissible as evidence; directing a survey to be made, and the prepara-

tion and filing of field notes; and declaring an emergency.

The bill was read second time and passed to third reading.

#### House Bill 74 on Third Reading

Senator Hazlewood moved that the Constitution Rule and Senate Rule 32 requiring bills to be read on three several days be suspended and that H. B. No. 74 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—31

Aikin	Martin
Baker	Moffett
Bradshaw	Moore
Colson	Owen
Crump	Parkhouse
Dies	Phillips
Fly	Ratliff
Fuller	Reagan
Gonzalez	Roberts
Hardeman	Rogers
Hazlewood	Secrest
Herring	Smith
Hudson	Weinert
Kazen	Willis
Krueger	Wood
Lane	

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

#### Message from the House

Hall of the House of Representatives,  
Austin, Texas,  
March 18, 1959.

Hon. Ben Ramsey, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following:

S. B. No. 55, A bill to be entitled "An Act amending Chapter 276, Acts of the 45th Legislature, 1937, as subsequently amended (codified under Article 8280-119, Vernon's Annotated Civil Statutes of the State of Texas), by adding a new section to said Act providing that all bonds of the San Antonio River Authority shall be legal and authorized investments for banks, savings banks, trust companies, building and loan associations, savings and

loan associations, insurance companies, fiduciaries, trustees, guardians, and for the sinking funds of cities, towns, villages, counties, school districts, or other political corporations or subdivisions of the State of Texas, and that all bonds of the San Antonio River Authority shall be eligible to secure the deposit of any and all public funds of the State of Texas, and any and all public funds of cities, towns, villages, counties, school districts, or other political corporations or subdivisions of the State of Texas, to the extent of their value when accompanied by all unmatured coupons appurtenant thereto; and declaring an emergency."

S. B. No. 176, A bill to be entitled "An Act to permit school districts in counties having in excess of 150,000 population according to the last preceding Federal Census, and having or acquiring authority to levy a tax for maintenance purposes of not more than \$1.75 per \$100 of assessed valuation, to levy, allocate and expend 50c per \$100 of assessed valuation of such maintenance levy for construction, repair, renovation, or equipment of public free school buildings and purchase of sites therefor; prescribing the conditions precedent to the right to fix, allocate and expend such tax and providing the manner of holding the election authorizing such fixing, allocation and expenditure; providing the Act shall not preclude the use of any tax revenues for same or different purposes to the extent of their present lawful use; and declaring an emergency."

(With amendment.)

S. B. No. 136, A bill to be entitled "An Act amending Article 1360, Revised Civil Statutes of Texas, 1925, by adding thereto a provision making it lawful for surplus lands to be conveyed to a corporation authorized to develop such lands and also providing that such lands shall be conveyed by any such acquiring corporation on or before the same time the conveying corporation otherwise would have had to convey the same; repealing all laws in conflict to the extent of such conflict only; containing a severability clause; and declaring an emergency."

S. B. No. 207, A bill to be entitled "An Act amending House Bill No. 133, Acts of the 55th Legislature,

Regular Session, 1957, by providing additional purposes for which the monies appropriated to the Texas Liquor Control Board may be expended, and declaring an emergency."

Respectfully submitted,

DOROTHY HALLMAN,  
Chief Clerk, House of Representatives

#### House Bill 380 on Second Reading

On motion of Senator Colson and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

H. B. No. 380, A bill to be entitled "An Act relating to the authority of the Board of Trustees of Crockett Independent School District to appoint a Board of Equalization; amending Section 4, Chapter 16, Acts of the 35th Legislature, 1st Called Session, 1917; and declaring an emergency."

The bill was read the second time.

Senator Colson offered the following committee amendment to the bill:

Amend H. B. No. 380, Section 1, line 1, by striking out the comma and the word "Acts" following the words "Chapter 16" and inserting in lieu thereof the following:

"of the Local and Special Laws"

The committee amendment was adopted.

On motion of Senator Colson and by unanimous consent the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to third reading.

#### House Bill 380 on Third Reading

Senator Colson moved that the Constitutional Rule and Senate Rule 32 requiring bills to be read on three several days be suspended and that H. B. No. 380 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—31

Aikin	Colson
Baker	Crump
Bradshaw	Dies

Fly	Owen
Fuller	Parkhouse
Gonzalez	Phillips
Hardeman	Ratliff
Hazlewood	Reagan
Herring	Roberts
Hudson	Rogers
Kazen	Secrest
Krueger	Smith
Lane	Weinert
Martin	Willis
Moffett	Wood
Moore	

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—31

Aikin	Martin
Baker	Moffett
Bradshaw	Moore
Colson	Owen
Crump	Parkhouse
Dies	Phillips
Fly	Ratliff
Fuller	Reagan
Gonzalez	Roberts
Hardeman	Rogers
Hazlewood	Secrest
Herring	Smith
Hudson	Weinert
Kazen	Willis
Krueger	Wood
Lane	

#### House Bill 114 on Second Reading

On motion of Senator Herring and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

H. B. No. 114, A bill to be entitled "An Act relating to the addition of territory to certain independent school districts; and declaring an emergency."

The bill was read second time and passed to third reading.

#### House Bill 114 on Third Reading

Senator Herring moved that the Constitutional Rule and Senate Rule 32 requiring bills to be read on three several days be suspended and that H. B. No. 114 be placed on its third reading and final passage.

The motion prevailed by the following vote:

## Yeas—29

Aikin	Martin
Bradshaw	Moffett
Colson	Owen
Crump	Parkhouse
Dies	Phillips
Fly	Ratliff
Fuller	Reagan
Gonzalez	Roberts
Hardeman	Rogers
Hazlewood	Secrest
Herring	Smith
Hudson	Weinert
Kazen	Willis
Krueger	Wood
Lane	

## Absent

Baker	Moore
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The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

## Yeas—29

Aikin	Martin
Bradshaw	Moffett
Colson	Owen
Crump	Parkhouse
Dies	Phillips
Fly	Ratliff
Fuller	Reagan
Gonzalez	Roberts
Hardeman	Rogers
Hazlewood	Secrest
Herring	Smith
Hudson	Weinert
Kazen	Willis
Krueger	Wood
Lane	

## Absent

Baker	Moore
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### House Concurrent Resolution 24 on Second Reading

On motion of Senator Willis and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading the following resolution:

H. C. R. No. 24, Granting Sid Richardson Refining Company permission to sue the State.

The resolution was read.

Senator Hardeman offered the following amendment to the resolution:

Amend H. C. R. No. 24 by adding a new resolving clause as follows:

"Resolved, That no interest shall be paid Sid Richardson Refining Co. in the event a final judgment is obtained by it for recovery of taxes paid under H. B. 285, 52nd Legislature."

The amendment was adopted.

Senator Hardeman offered the following amendment to the resolution:

Amend H. C. R. No. 24 by adding the following to the resolving clause:

"Provided if a final judgment is obtained by the Sid Richardson Refining Co. all increases in rates obtained on the basis of taxes paid under H. B. 285, R. S., 52nd Legislature, shall be refunded in full to all those having paid such rate increase."

The amendment was adopted.

Senator Hardeman offered the following amendment to the resolution:

Amend H. C. R. No. 24 by adding a new "whereas" clause just before the resolving clause to read as follows:

"Whereas, The Attorney General of this State is requested to have the question of law involved finally settled in the Supreme Court of Texas."

The amendment was adopted.

The resolution as amended was then adopted.

### Vote Reconsidered on House Bill 99

On motion of Senator Aikin and by unanimous consent the vote by which H. B. No. 99 was finally passed today was reconsidered.

The President then laid H. B. No. 99 before the Senate on its final passage.

H. B. No. 99 was then finally passed by the following vote:

## Yeas—31

Aikin	Gonzalez
Baker	Hardeman
Bradshaw	Hazlewood
Colson	Herring
Crump	Hudson
Dies	Kazen
Fly	Krueger
Fuller	Lane

Martin	Roberts
Moffett	Rogers
Moore	Secrest
Owen	Smith
Parkhouse	Weinert
Phillips	Willis
Ratliff	Wood
Reagan	

**House Bill 94 on Second Reading**

On motion of Senator Hudson and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

H. B. No. 94, A bill to be entitled "An Act amending Acts 1925, 39th Legislature of Texas, Chapter 152, page 362, Section 3 (Article 7718 Vernon's Texas Civil Statutes) relating to the election of directors of water improvement districts, so as to afford a method by which any such district may provide for staggered terms of office of its directors; and declaring an emergency."

The bill was read the second time.

Senator Hardeman offered the following amendment to the bill:

Amend H. B. 94 by renumbering Section 2 as Section 3 and adding a new Section 2 to read as follows:

"Section 2. Chapter 143, Acts 1953, Fifty-third Legislature (codified as Art. 7718c, Vernon's Annotated Civil Statutes of Texas), is hereby repealed."

The amendment was adopted.

On motion of Senator Hudson and by unanimous consent the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to third reading.

**House Bill 94 on Third Reading**

Senator Hudson moved that the Constitutional Rule and Senate Rule 32 requiring bills to be read on three several days be suspended and that H. B. No. 94 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—31

Aikin	Bradshaw
Baker	Colson

Crump	Moore
Dies	Owen
Fly	Parkhouse
Fuller	Phillips
Gonzalez	Ratliff
Hardeman	Reagan
Hazlewood	Roberts
Herring	Rogers
Hudson	Secrest
Kazen	Smith
Krueger	Weinert
Lane	Willis
Martin	Wood
Moffett	

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—31

Aikin	Martin
Baker	Moffett
Bradshaw	Moore
Colson	Owen
Crump	Parkhouse
Dies	Phillips
Fly	Ratliff
Fuller	Reagan
Gonzalez	Roberts
Hardeman	Rogers
Hazlewood	Secrest
Herring	Smith
Hudson	Weinert
Kazen	Willis
Krueger	Wood
Lane	

**Senate Resolution 224**

Senator Aikin offered the following resolution:

Whereas, Mrs. J. W. Smalling is a visitor at the Capitol today; and

Whereas, Mrs. Smalling is an outstanding civic leader of our state; now, therefore, be it

Resolved, That Mrs. Smalling be extended a hearty welcome.

The resolution was read and was adopted.

Senator Aikin by unanimous consent presented Mrs. Smalling to the Members of the Senate.

**House Bill and Resolution on First Reading**

The following bill and resolution received from the House were read

the first time and referred to the committees indicated:

H. B. No. 245, to Committee on Transportation.

H. C. R. No. 32, to Committee on Jurisprudence.

### Adjournment

On motion of Senator Hardeman the Senate at 11:59 o'clock a.m. adjourned until 10:30 o'clock a.m. tomorrow.

## THIRTY-SEVENTH DAY

(Thursday, March 19, 1959)

The Senate met at 10:30 o'clock a.m., pursuant to adjournment, and was called to order by the President.

The roll was called and the following Senators were present:

Aikin	Martin
Baker	Moffett
Bradshaw	Moore
Colson	Owen
Crump	Parkhouse
Dies	Phillips
Fly	Ratliff
Fuller	Reagan
Gonzalez	Roberts
Hardeman	Rogers
Hazlewood	Secrest
Herring	Smith
Hudson	Weinert
Kazen	Willis
Krueger	Wood
Lane	

A quorum was announced present.

Reverend W. H. Townsend, Chaplain, offered the invocation as follows:

"Forbid, Our Father, that we let this formal prayer take the place of private petition. May there arise from each of us a silent prayer, heard only by Thee; and teach us that the effectual fervent prayer of a righteous man availeth much. In Christ's name. Amen."

On motion of Senator Aikin, and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

### Reports of Standing Committees

Senator Lane submitted the following report:

Austin, Texas,  
March 19, 1959.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Jurisprudence, to whom was referred S. B. No. 214, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass as amended and be printed.

LANE, Chairman.

Senator Hardeman submitted the following reports:

Austin, Texas,  
March 19, 1959.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred S. B. No. 356, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

HARDEMAN, Chairman.

Austin, Texas,  
March 19, 1959.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred S. B. No. 289, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

HARDEMAN, Chairman.

Austin, Texas,  
March 19, 1959.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred S. B. No. 122, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass as amended and be printed.

HARDEMAN, Chairman.

Austin, Texas,  
March 19, 1959.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on State